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Election

Serial No.: 09/755,747 Group Art Unit: 1655
Filing Date: January 5, 2001 Examiner: Freedman,
Applicant: Anthony J. Brookes Atty. Docket: 78104.017
Title: DETECTION OF NUCLEIC ACID POLYMORPHISM

**REQUEST FOR RECONSIDERATION OF
REQUIREMENT FOR RESTRICTION
(37 CFR §1.143)**

Box: Amendment (With Fee)
Assistant Commissioner for Patents
Washington, D.C. 20231

To the Commissioner:

In Response to the Office Action of December 5, 2001, reconsideration of the restriction requirement is requested in light of the following comments.

1. Petition for Extension of Time to Respond

The period for response is hereby extended one month to expire February 5, 2002 by this Petition for a One-Month Extension of Time. A check for the appropriate petition fee (37 CFR §1.17) accompanies this Response.

2. Summary of Restriction Requirement

The Examiner contends that the inventions claimed in the following groups are patentably distinct and require restriction to a single group:

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Group I: The apparatus of claims 1-52, allegedly classified in class 435, subclass 6 (class definition: methods of detection of DNA variation).

Group II: The apparatus of claims 53-59, allegedly classified in class 706, subclass 924 (class definition: system for analyzing results).

Group III: The apparatus of claims 60-66, allegedly classified in class 702, subclass 19 (class definition: methods for analyzing test results).

3. Provisional Election of Group (37 CFR §1.143)

Group I (claims 1-52) is provisionally elected for further examination.

4. Note Regarding Inventorship

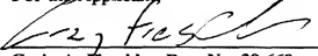
It has been determined that the various Groups may include additional inventors beyond those originally named upon filing of this Application; in particular, the matter of Groups II and III may include additional and/or different inventors from the matter of Group I. This matter is currently under review and a Petition for any necessary inventorship changes will be promptly filed if such is necessary.

It is noted that if the matter of Groups II and III are found to have inventors different from those of Group I, if 35 USC §120 priority is to be maintained for any divisional application(s) filed for Groups II and II, it will be necessary to add those inventors to the present application in order to maintain continuity of inventorship (MPEP 201.11, "Same Inventor or Inventors"; MPEP 201.03, Section E). Thus, some inventors may be added, and subsequently deleted, to maintain continuity of inventorship for any later divisional application(s), and/or to otherwise correct inventorship as appropriate. To provide a basis for adding any inventors for Groups II and III to the present application (if such proves necessary), the claims for Groups II and III are not cancelled at this time, it being understood that they may be cancelled after final action (MPEP 821.01).

5. **In Closing**

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



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